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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel PEREZ-Pio,

Defendant

Magistrate Docket No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 14, 2008** within the Southern District of California, defendant, **Miguel PEREZ-Pio**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **MAY 2008**


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Miguel PEREZ-Pio****PROBABLE CAUSE STATEMENT**

On May 14, 2008, Border Patrol Agent R. Lopez was performing patrol duties near Jamul, California. At approximately 1:45 p.m., Agent Lopez responded to a sensor activation in an area located approximately twelve miles east of the Otay Mesa, California Port of Entry, and approximately six miles north of the International Border Boundary between Mexico and the United States.

Upon approaching the area, Agent Lopez noticed an individual walking out of thick brush along a trail. Agent Lopez identified himself as a U.S. Border Patrol Agent and conducted an immigration inspection. Upon questioning, the individual later identified as defendant **Miguel PEREZ-Pio**, freely admitted to being a citizen and national of Mexico without any immigration documents allowing him to enter or to remain in the United States legally. Agent Lopez arrested the defendant and transported him to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **May 8, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. The defendant stated his intended destination was Escondido, California.